

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
2000 Biennial Regulatory Review --) CC Docket No. 00-229
Telecommunications Service Quality)
Reporting Requirements)

COMMENTS OF EARTHLINK, INC.

Summary and Introduction

EarthLink, Inc. ("EarthLink"), by its attorneys, files these comments in response to the Commission's Notice of Proposed Rulemaking in the above-captioned docket.¹ EarthLink agrees with the Commission that updated and accurate information on telecommunications provisioning, installation, and repair would improve consumer choice and improve the ability of Internet service providers ("ISPs") to deploy high-speed Internet access services via digital subscriber line ("DSL") service. As discussed below, limited reporting obligations for DSL services by large incumbent local exchange carriers ("ILECs") and their data affiliates would well serve the public with relevant service information, while reducing the carriers' overall filing burdens as compared to the current ARMIS obligations.

EarthLink is the nation's second largest ISP and has considerable experience with the provisioning and installation practices of telecommunications carriers, especially with regard to DSL services for Internet access. While the bulk of

¹ 2000 Biennial Regulatory Review – Telecommunications Service Quality Reporting Requirements, Notice of Proposed Rulemaking, CC Docket No. 00-229, FCC 00-399 (rel. Nov. 9, 2000) ("NPRM").

EarthLink's customers now use narrowband dial-up service, EarthLink has offered high-speed Internet access via DSL since 1999 and today has over 100,000 customers that use DSL. To address the phenomenal consumer demand for high-speed service, EarthLink purchases large volumes of DSL lines from both the ILECs and their data affiliates² as well as the leading data competitive LECs. EarthLink has first-hand knowledge of the difficulties, including consumer frustration, that arise when ILECs and/or their advanced services affiliates fail to provision, install, or repair DSL services in a timely or reasonable manner. These provisioning delays are serious consumer and competitive issues that pose a significant threat to the overarching goals of Section 706 of the 1996 Act, which calls for the Commission to hasten the rapid deployment of advanced services.

Effective DSL service quality reporting obligations, as outlined below, would improve customer choice of DSL providers, and would encourage more efficient DSL provisioning. These requirements recommended below would also impose minimal burdens on carriers and yield maximum public interest benefits.

Discussion

EarthLink agrees with the NPRM (§§ 10, 25, 26, 32) that standardized and accurate service quality information regarding LEC deployment, installation, and repair of xDSL services is important to purchasers of such advanced services – both individual retail consumers and ISPs. It is especially important to require incumbent LECs and their data affiliates to report specifically on service quality for DSL services to ensure that information is accessible and useful.

² Today, the data affiliates include SBC-Advanced Services, Inc. ("SBC-ASI") for SBC Communications, Inc., and Verizon Advanced Data, Inc. ("VADI") for the Verizon Telephone Company.

EarthLink recommends that the ILECs and their data affiliates be required to report on several specific service quality issues for their DSL services, as set forth below:

1. Installation service reporting on DSL: EarthLink agrees with NPRM (§§ 17-18) that ILECs and data affiliates should report on installation and provisioning intervals. The provisioning intervals reported should be measured in days from the time that the consumer or ISP sends the DSL order to the ILEC until the time the DSL service is fully operational from the consumer's perspective. In addition, ILECs should report on all missed installations (i.e., when a "firm order commitment" ("FOC") date was either changed or missed), and report on the number of DSL orders that have received more than one FOC date. Public disclosure of this information would serve the public interest by helping consumers and ISPs to make DSL choices, by encouraging ILECs and their affiliates to improve installation and provisioning practices, and by allowing detection of discrimination or unreasonably poor service. Further, such DSL reporting would improve the regulatory enforcement processes by reducing time and expense of cases alleging discrimination, unreasonable practices or similar allegations.

2. "Trouble" and Repair reporting for DSL: EarthLink also agrees with the NPRM (§§ 19-22) that ILECs and their data affiliates should be required to report on DSL "trouble reports" and to report on time intervals for repair of DSL services.

3. Disaggregating the Reporting Information: EarthLink believes that the utility of the reported information correlates directly with its accuracy and with its

ability to allow the public/regulators to discern the overall nature of the service quality. Therefore, all DSL reporting information should be provided, at a minimum, on a state-by-state or smaller geographic basis, similar to current state-by-state broadband reporting form (FCC Form 477). Also, the information should depict the range of actual service intervals by showing, in weekly increments, the actual time intervals that service was (or was not) delivered in. For example, for all DSL services installed in a calendar quarter, the ILEC should report the total number/percentage of orders that were pending for one week, two weeks, etc., until 100% of all installed orders are accounted for. Separately, for all pending DSL orders not installed in the reporting quarter, the data affiliate would report on the total number/percentage of those pending orders that have been pending for one week, two weeks, etc.

4. Frequency of Reporting and Public Disclosure: EarthLink agrees with NARUC's position that service quality information should be available on a calendar quarterly basis (NPRM, ¶ 33). To be useful to consumers, the information must be currently available, so the ILEC and its data affiliates should post such information to their websites and should file FCC reports of the same information within 30 days after each quarter. Of course, to ensure the veracity of the reports, an appropriate officer of the carrier should certify that the information is accurate and current. Finally, the FCC should make these reports available on its website.

5. Mandatory Reporting for Large ILECs and Data Affiliates, Voluntary for All Other Carriers: Price-cap ILECs and their data affiliates are the primary providers of DSL services in the marketplace today. These same entities control

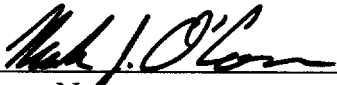
much of the DSL installation and repair processes, which have drawn considerable consumer and ISP frustration. Mandatory reporting obligations for these carriers are appropriate since there are no ubiquitous competitive providers to create needed incentives for the ILECs and their affiliates to provide good service quality. EarthLink recognizes, however, that it may be less necessary to mandate that unaffiliated competitive LECs also file. In EarthLink's experience, unaffiliated competitive LECs providing DSL also rely, to a large degree, on the ILEC installation and repair services.

Conclusion

EarthLink supports FCC's proposals to improve service quality reporting of DSL services. With appropriate ILEC reporting, as outlined above, individual consumers and ISPs will have better information to make more informed choices regarding DSL service and options.

Respectfully submitted,

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